

REMARKS

This responds to the Office Action mailed on September 19, 2005. Reconsideration is respectfully requested. By this amendment, claims 1, 3, 4, 6, 7, 12 – 15, 17 – 20, 22, 24, 25 and 28 are amended, no claims are canceled, and no claims are added; as a result, claims 1 – 29 remain pending in this application.

Objections to the Claims

Claims 1-29 were objected to due to informalities. Applicant thanks the Examiner for noting informalities in Applicant's claims. Claims 1, 3, 4, 5, 7, 12, 13, 14, 15, 17, 19, 20, 22 and 24 have been amended to clarify the issues noted out by the Examiner. In view of this, Applicant submits that the objection to claims 1 – 29 has been overcome.

§112 Rejection of the Claims

Claims 6 and 14 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Claim 6 has been amended to recite that prior to determining the measurement probability, the method comprises selecting the initial weight-set from the group of predetermined weight sets. Claim 14 has been amended to add a weight selection element to select an initial weight-set from a group of predetermined weight sets. In view of this, Applicant submits that the rejection of claims 6 and 14 under 35 U.S.C. § 112 has been overcome.

Claims 14-18 and 24-29 were rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential elements, such omission amounting to a gap between the elements.

Claim 14 has been amended to add a weight selection element to select an initial weight-set from a group of predetermined weight sets, and to clarify the use of the initial weight set from the final weight set. Applicant submit that claims 16 – 18 should now be clear as to how the metrics calculation element uses the weights set from the group of predetermined weight sets. In

view of this, Applicant submits that the rejections of claims 14 - 18 under 35 U.S.C. § 112 has been overcome.

Claim 24 has been amended to recite a weight selection element to select an initial weight-set from a group of predetermined weight sets. Applicant submit that claims 25 – 29 should now be clear as to how the metrics calculation element uses the weight set from the group of predetermined weight sets. In view of this, Applicant submits that the rejections of claims 24 – 29 under 35 U.S.C. § 112 has been overcome.

Claims 19 – 23 were rejected under 35 U.S.C. § 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. Claim 19 has been amended to recite “selecting an initial weight-set from a group of predetermined weight sets”. Applicant submit that claims 20 – 23 should now be clear as to how the metrics are calculated using weight sets from the group of predetermined weight sets. In view of this, Applicant submits that the rejections of claims 19 – 23 under 35 U.S.C. § 112 has been overcome.

Allowable Subject Matter

Claims 1-5 and 7-13 were indicated to be allowable if rewritten to overcome the objections set forth in the Office Action.

Claims 6 and 14-29 were indicated to be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in the Office Action, and overcome the objections set forth in the Office Action.

Claims 1, 3, 4, 6, 7, 12 – 15, 17 – 19, 20, 22, 24, 25 and 28 have been amended to overcome the objections set fourth in the Office Action and/or to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph, set forth in the Office Action. In view of this, Applicant submits that claims 1 – 29 are in condition for allowance.

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney, Greg Gorrie at (480) 659-3314, or Applicants' below-named representative to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date Nov. 7, 2005

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 7 day of November 2005.

Eric Olson

Name

[Signature]

Signature